

**REMARKS**

**1. Status of the Application**

Claims 1-13, 56-91 are pending in the present application.

Cancellation of Claims 1-12, 56-70, 77-80, and 83-91, and amendment of Claim 75 were made notwithstanding Applicant's belief that the cancelled and unamended claim would have been allowable, without acquiescing to any of the Examiner's arguments, and without waiving the right to prosecute the cancelled and unamended (or similar) claims in another application, but rather for the purpose of furthering Applicants' business goals and expediting the patent application process in a manner consistent with the PTO's Patent Business Goals (PBG).<sup>1</sup>

In particular, Claim 75 has been amended to provide more clarity by replacing "molecules" with "said arginine tag."

Claim 81 has been amended to correct a typographical error.

These amendments do not introduce new matter.

**2. Withdrawn Rejection**

Applicants note, with appreciation, that the Examiner withdrew the rejection of Claims 1-12 under 35 U.S.C. §103(a) over Sassenfeld *et al.* in view of Suzuki *et al.* (U.S. Patent No. 4,629,713) and Pinnavaia *et al.* (U.S. Patent No. 5,993,769).<sup>2</sup>

**3. Allowed Claims**

Applicants note, with appreciation, that "Claims 13, 71-74, 78-80 and 82 are allowable."<sup>3</sup>

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<sup>1</sup> 65 Fed. Reg. 54603 (September 8, 2000).

<sup>2</sup> Final Office Action, page 2, item 6.

<sup>3</sup> Final Office Action, page 9, item 11.

**4. Objected-To Claims**

The Examiner objected to Claims 65 and 81 for misspelling the words “montmorilonite” and “hentonite.” This objection is moot with respect to Claim 65 in view of Claim 65’s cancellation.<sup>4</sup> Claim 81 has been amended to correctly spell “montmorillonite.” However, the spelling of “hentonite” is correct as supported by the Specification, page 7, lines 13-15. If the Examiner disagrees, the Examiner is respectfully invited to correct the perceived typographical error.

**5. Rejection of Claims 1-12, 56-70, 77, and 83-91 under 35 U.S.C. § 112, first paragraph (written description)**

Claims 1-12, 56-70, 77, and 83-91 were rejected under 35 U.S.C. § 112, first paragraph, for allegedly lacking adequate written description.<sup>5</sup> This rejection is moot in view of the cancellation of these claims.<sup>6</sup>

**6. Rejection of Claims 1-12, 56-70, 75-77, 81 and 83-91 under 35 U.S.C. § 112, second paragraph**

Claims 1-12, 56-70, 75-77, 81 and 83-91 were rejected under 35 U.S.C. § 112, second paragraph for alleged indefiniteness.<sup>7</sup> The rejection of Claims 1-12, 56-70, 77, and 83-91 is

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<sup>4</sup> Claim 61 was cancelled notwithstanding Applicants’ belief that the cancelled claim would have been allowable, without acquiescing to any of the Examiner’s arguments, and without waiving the right to prosecute the cancelled (or similar) claim in another application, but rather for the purpose of furthering Applicants’ business goals and expediting the patent application process in a manner consistent with the PTO’s Patent Business Goals (PBG).

<sup>5</sup> Final Office Action, page 3, item 7, and page 4, item 8.

<sup>6</sup> Cancellation of the claims was made notwithstanding Applicants’ belief that the cancelled claims would have been allowable, without acquiescing to any of the Examiner’s arguments, and without waiving the right to prosecute the cancelled (or similar) claim in another application, but rather for the purpose of furthering Applicants’ business goals and expediting the patent application process in a manner consistent with the PTO’s Patent Business Goals (PBG).

<sup>7</sup> Final Office Action, page 6, item 9.

moot in view of the cancellation of these claims.<sup>8</sup> The rejection of Claims 75, 76 and 81 should be withdrawn for the following reasons.

Claim 75 was rejected on the ground that “it is unclear what are encompassed in ‘molecule’.”<sup>9</sup> Applicants have amended Claim 75 by replacing “molecules” with “said arginine tag.” Therefore, the rejection of Claim 75 should be withdrawn.

Claim 76 was rejected because “it depends directly or indirectly from Claim 75.”<sup>10</sup> In view of the amendment of Claim 75, the rejection of Claim 76 also should be withdrawn.

Claim 81 was rejected because it “depends directly or indirectly from claim 1 or claim 75” and because of the alleged vagueness or indefiniteness of the base claim. However, Claim 81 does not depend from either of claims 1 or 75, but rather depends from **allowed claim 13**. Since the basis for this rejection is in error, Applicants respectfully request withdrawal of the rejection of Claim 81.

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<sup>8</sup> Cancellation of the claims was made notwithstanding Applicants’ belief that the cancelled claims would have been allowable, without acquiescing to any of the Examiner’s arguments, and without waiving the right to prosecute the cancelled (or similar) claim in another application, but rather for the purpose of furthering Applicants’ business goals and expediting the patent application process in a manner consistent with the PTO’s Patent Business Goals (PBG).

<sup>9</sup> Final Office Action, page 7, item 9.d.

<sup>10</sup> Final Office Action, page 9, item 9.q.

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**PATENT**  
Attorney Docket No. UCSD-04726

**CONCLUSION**

All grounds of rejection and objection of the Office Action of December 29, 2003 having been addressed, reconsideration of the application is respectfully requested. To expedite prosecution, Applicants respectfully request the Examiner to **call the undersigned at (415) 904-6500 before drafting another written communication**, if any.

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